1952.

**File No.** O/Supply Goods/52
20/52
Legal Department
**BRANCH**

**Subject:—**

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Opinion on the Supply and Prices of Goods Act 1952

**File No.** O/Supply Goods/52

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Office of the R.L.A.

The view taken in the Civil Supplies Department office note dated the 12th November 1951 that the Director of Civil Supplies and Joint Secretary to the Government of Bombay is still empowered under the Government of India, Ministry of Industry and Supply, Notifications Nos. SRO 598 and SRO 599, dated the 13th Septemner 1950 and No. 1(4)-32(4)/50, dated the 22nd September 1950 to exercise powers under sections 13(a) and (b) section 17 and section 19 of the Supply and Prices of Goods Act,1950 and that it is not necessary to again approach the Governmen of India in the matter, is correct. It would however be necessary to cancel the Civil Supplie Department Notification No.1055/X, dated the 9th July 1951 as at present there is no officer in the Civil Supplies Department who is Director of Civil Supplies and Deputy Secretary.

Sd/J.R.D.

Remembrancer of Legal Affairs.

U.R. to C.S.D.No.G-626, dated the 11th December 1951.

EKN.26/7/

Office of the R.L.A.

It is true that under Government of India, Ministry of Commerce and Industry Notification No. S.R.O.840, dated the 30th May 1951, the powers of the Central Government under section 17 of the Supply and Prices of Goods Ordinances 1950 were delegated to the Government of Bombay but so long as the notification No. S.R.O.599, dated the 13th September 1950 was not cancelled, such delegation would not affect the empowerment of the District Magistrates by the Central Government as the delegating authority does not divest itself of the power it delegats. Under this delegated authority, this Government had authorised under Government Notification, Civil Supplies Department No. 1955/X, dated the 9th July 1951 the Director of Civil Supplies and Deputy Secretary to Government of Bombay to sanction prosecution but this notification was cancelled on the 8th February 1952 on the advice of the Remembrancer of Legal Affairs contained in his opinion No. G.626, dated the 11th December 1951. The present position therefore is that the District Magistrate are authorised to sanction prosecutions under the Notification No. S.R.O. 599, dated the 13th September 1950. The Civil Supplies Department should however verify whether this notification dated the 13th September 1950 is not since cancelled by the Government of India.

Sd/ P.M. Lad,
Remembrancer of Legal Affairs.

U.R. to C.S.D.No.G-469, dated the 20th September 1952.

EKN.26/7/

Office of the R.L.A.

The Government of India, Ministry of Industry and Supply Notification No. 1(4)/32(14)/50, dated the 2nd September 1950 (also referred to by C.S.D. as notification No. S.RO.503, dt. 2-9-50) has been issued under sections 4,7,8,10 & 19 of the Supply and Prices of Goods Ordinance, 1950 and is continued in force under section 27 of the Supply and Prices of Goods Act, The Notification is therefore deemed to be issued under sections 4,7,9,10 and 19 of the Act. The said Notification as amended on 19th April 1951 and 23rd July 1951 and 23rd July 1951 provides that every dealer and producer shall on the 7th day of each month send to the Deputy Development Officer (Dgugs) New Delhi, a statement containing details as specified in that notification and send a copy of the statement to the Government of the State in which the dealer or producer is c rrying on business. Under this notification the declaration is to be made by a dealer. The term 'dealer' is defined in section 2(a) of the Supply and Prices of Goods Act,1950 to mean a person carrying on the business of selling any goods whether wholesale or retail. If messrs. R. Dass and Company are mere agents who only bring two contracting minds together and do not buy or sell caustic soda, they cannot be considered as dealers under the Act. Presumably they get only commission on the sales made by the I.C.I. and are not themselves carrying on the business of selling caustic soda On that assumption- which may be verified there is no legal obligation on them to furnish a statement of stocks and sales as required by the Notification.

Further section 6 & 7 apply to all persons and not merely to dealers but under these sections what is required is to declare the stocks in excess of reasonable needs possessed by any person. As Messrs.R.Dass and Company did not possess any goods at any time, there is no duty cast on them to make any declaration.

Sd/ P.M.Lad.
Remembrancer of Legal Affairs.

EKN.26/7/ U.R. to C.S.D.No.G.519,dated the 9th October 1952.

No.

Civil Supplies Department,

Bombay Castle, December 1952.

Whereas by Government of India, Ministry of Industry and Supply notification No.SRO 503, dated the 2nd September 1950 and Government of India, Ministry of Commerce and Industry Notification No.SRO 720.dated the 12th May 1951 and No. SRO dated the 18th May 1951, issued or deemed to have been issued under section 4 of the Supply and Prices of Goods Act,1950, the Central Government fixed the maximum prices at which caustic soda could be sold;

And whereas despite the said notifications fixing the maximum prices, Messrs. Kirthkumar Chandulal and Company of Wadgadi, Bombay sold caustic soda to one Shri Gokuldas Odhavji on 7th June 1951 at the rate of Rs.68/- per ton which is in excess of the maximum prices fixed under the said notifications;

And whereas it appears that (1) Shri Chandulal Khichand, the partner and (2) Shri Narsi Raghoji Shah, (3) Shri Vasanji Anandji and (4) Shri Hari Daji, employees of the aforesaid firm of Messrs. Kirtikumar Chandulal and Company, Vadadi, have thereby committed an offence under section 5(1) (a) read the above said notifications by selling Caustic Soda ~~xx~~ at the rate of Rs.68/- per cwt. exceeding the maximum rates fixed under the ~~xxdx~~ said notifications;

And whereas the aforesaid offence is punishable under section 14 of the said Act;

Now therefore, in exercise of the power conferred upon me by section 17 of the said Act, read ~~with~~ Government of India, Ministry of Industry

and.....

.nd Supply, Notification No. SRO 599, dated the 13th September 1950, I, Director of Civil Supplies and Joint Secretary to the Government of Bombay, do hereby accord sanction to the prosecution of the aforesaid partner and three employees respectively for the aforesaid offence.

Director of Civil Supplies and Joint Secretary to the Government of Bombay.

EKH.2./7/